

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>13615WO/dr</b>	<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416
International application No. <b>PCT/EP2004/011413</b>	International filing date (day/month/year) <b>12.10.2004</b>	Priority date (day/month/year) <b>17.10.2003</b>	
International Patent Classification (IPC) or national classification and IPC <b>F26B21/10, F26B15/12</b>			
Applicant <b>ATOTECH DEUTSCHLAND GMBH</b>			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <b>5</b> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <b>6</b> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>
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<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/011413

## Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:

international search (Rule 12.3 and 23.1(b))  
 publication of the international application (Rule 12.4)  
 international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished  
 the description:

pages 1-13 as originally filed/furnished

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

the claims:

nos. \_\_\_\_\_ as originally filed/furnished

nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19  
24.02.2006 with letter

nos.\* 1-31 received by this Authority on of 24.02.2006

nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

the drawings:

sheets 1/3-3/3 as originally filed/furnished

sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3.  The amendments have resulted in the cancellation of:

the description, pages \_\_\_\_\_  
 the claims, nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (*specify*): \_\_\_\_\_  
 any table(s) related to sequence listing (*specify*): \_\_\_\_\_

4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages \_\_\_\_\_  
 the claims, nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (*specify*): \_\_\_\_\_  
 any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/EP2004/011413Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

## 1. Statement

Novelty (N)	Claims	1–31	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	4, 29, 30	NO
Industrial applicability (IA)	Claims	1–3, 5–28, 31	YES
	Claims	1–31	NO

## 2. Citations and explanations (Rule 70.7)

This report makes reference to the following documents:

D1: DE 11 42 065 B (BROWN, BOVERI & CIE. AG), 3 January 1963 (1963-01-03)

D2: US 5 906 055 A (GRENCI ET AL), 25 May 1999 (1999-05-25)

Document D2 was not cited in the international search report. A copy of that document is attached.

## 1. LACK OF INVENTIVE STEP

1.1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 does not involve an inventive step (PCT Article 33(3)).

1.2 Document D1 is considered to constitute the prior art closest to the subject matter of claim 1 and discloses (the references in parentheses are to that document):

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>a process for drying treated products (14), the treated products (14) being conveyed along a predetermined transport path, with a first gas stream being blown from above onto the treated products (14), and a second stream of a gaseous drying medium being blown from below onto the treated products (14). The first and second gas streams are generated by corresponding ventilators and regulated in feed pipes (10) to corresponding gas outlet devices (5). The treated products (14) are continuously moved along the transport bath <b>into the housing of a drier</b> for being dried and out of the drier housing after drying.</p> <p>1.3 The subject matter of claim 1 therefore differs from the known process in that a temperature of the first and/or second gas stream is sensed, and the ventilators for generating the first and/or second gas stream are driven in such a way that the sensed temperature is set at a predetermined value.</p> <p>1.4 The present invention can therefore be considered to address the problem of providing an alternative temperature regulation of a gas stream in a drying process.</p> <p>1.5 The solution proposed in claim 1 of the present application cannot be considered inventive (PCT Article 33(3)) because these features have already been used for the same purpose in a similar process; see document D2 (see column 1, lines 42-</p>

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>48; column 7, line 33 – column 8, line 12; figures 8, 9). If a person skilled in the art wanted to achieve the same purpose in a process as described in document D2, namely providing an alternative temperature regulation for a gas flow, he could easily apply these features to the subject matter of D1, to like effect. He would thus arrive at a process as per claim 1, without an inventive input.</p> <p>1.6 The same reasoning also applies to the independent device claim 8. The subject matter of claim 8 therefore does not involve an inventive step (PCT Article 33(3)).</p> <p>2. DEPENDENT CLAIMS 2, 3, 5-7, 9-28, 31</p> <p>2.1 Dependent claims 2, 3, 5-7, 9-28 and 31 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT inventive step requirements; see the corresponding search report citations.</p> <p>3. DEPENDENT CLAIMS 4, 29, 30</p> <p>3.1 The combination of features in dependent claims 4, 29 and 30 is neither known from nor suggested by the available prior art.</p>